

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

COUNTY OF NEWPORT

At a meeting of the Town Council of the Town of Tiverton, County and State aforesaid, held at the Tiverton Town Hall on the 9th day of June 2008 A.D. at 6:30 p.m.

EXECUTIVE SESSION

Town Council- 42-46-5(a)(1)- Personnel

Councilor Costa was not present at this time, arrived at 6:50pm

In open session a motion was made by Councilor Bollin, seconded by Councilor Medeiros to enter into Executive Session pursuant to 42-46-5(a)(1). The motion passed unanimously. The Council returned to open session at 7:05 p.m.

President Durfee stated that no action had been taken. Councilor Edwards made a motion, seconded by Councilor Carroll to seal the Executive Session minutes. Motion passed 6-0-1, Councilor Costa abstained.

President Durfee opened the meeting with the Pledge of Allegiance to the Flag.

Roll Call:

Joanne M. Arruda
Donald Bollin
Paul E. Carroll
Hannibal F. Costa

Louise Durfee
Jay Edwards
Brian A. Medeiros

Town Administrator, James C. Goncalo
Assistant Town Solicitor, Jeanne Scott were also present.

BUSINESS BROUGHT BEFORE THE COUNCIL

Approval of Consent Agenda:

All items listed with (CA) are to be considered routine by the Town Council and will be enacted by one motion. There will be no separate discussion of these items unless a member of the Council or a member of the public so requests, in which event the item will be removed from Consent Agenda (CA) consideration and considered in its normal sequence on the agenda.

Councilor Bollin at this time read the items on the Consent Agenda for approval.

Councilor Arruda requested removal of item A-1a and A-3e.

Councilor Edwards requested removal of item A-2c and A-3a-1.

President Durfee requested removal of item A-3a-6.

A motion was made by Councilor Medeiros, seconded by Councilor Edwards to approve the remaining items listed on the Consent Agenda, which then passed unanimously.

CONSENT AGENDA

A-1 Approval of Minutes of Previous Meetings.

b. Approval of Minutes Regular Town Council Meeting May 27, 2008

A-2 Receipt of Minutes from Various Board and Commissions:

a. Recreation Commission b. Tiverton Library Board of Trustees

A-3. Correspondence

a. Previously Distributed Correspondence on May 29th

2. Minutes From Harbor Commission
3. Minutes From Landfill Subcommittee
4. Minutes From Prevention Coalition

5. Letter from Recreation Regarding Fort Barton Baseball Field
- b. Received from East Bay Community Action Program Regarding Youth Centers
- c. Received from RIDOT Regarding Crosswalks on Main Road
- d. Request by Attorney Leary for Public Hearing Regarding Parking Ban on South Side of Hayden Avenue for Harbor Ridge Subdivision – Referred to DPW and Police Department – Scheduled for July 14th

Approval of Minutes Regular Town Council Meeting May 12, 2008

Councilor Arruda requested removal of this item, as she was not present for the meeting. A motion was made by Councilor Bollin to approve the minutes of the Regular Town Council Meeting May 12, 2008, seconded by Councilor Medeiros. The motion passed 6-0-1. Councilor Arruda abstained.

Planning Board

Councilor Edwards requested removal of this item for further discussion. Noted that the Planning Board should not have discussed Administrative Officer's job performance at Open Meeting, memo should be sent to Boards and Commissions that they are not allowed by Charter to discuss personnel. issues in open session. Assistant Solicitor Scott was questioned for opinion.

Minutes from Economic Development

Councilor Edwards requested removal of this item because only two members were present along with the Administrative Officer Christopher Spencer. Suggested the meeting time should be changed. Mr. Spencer said the EDC was scheduled to meet at 6pm on their next meeting.

Town Hall Memorial Garden Map

President Durfee removed this item to be continued to the Council Meeting on June 23rd at which time the Council and anyone else interested could go outside and view the extraordinary work that dedicated volunteer Mrs. Isobel Hart has done with this Memorial Garden. Councilor Carroll motioned to continue this item to the next meeting, seconded by Councilor Bollin, which then passed unanimously.

Charter Review Commission Update

Councilor Arruda removed this item for further discussion regarding the public hearing. President Durfee received a call from Charter Review Chair inquiring if the Charter Review Committee and Council could hold a joint public hearing on the proposed amendments to the Charter at the Council Workshop on June 30th as the Town Solicitor will also be there. Councilor Medeiros questioned whether this meeting needed to be advertised as a public hearing. Councilor Bollin stated the questions needed to be at the Secretary of State's office by August 6th. Councilor Arruda remarked that as a group the Council has not yet received any ballot questions from the Charter Review Commission. President Durfee, to make this process orderly the Charter Review should present the questions to the Council at the next Council meeting June 23rd. Laura Epke from the Charter Commission stated she would address the issue at their meeting on June 9th. Assistant Solicitor Scott was questioned as to whether 10 days was enough notice for a public hearing. Solicitor would research and call Town Clerk with answer for advertisement by July 14th meeting.

PUBLIC HEARINGS

The Town Council was sitting as the Board of Licensing Commissioners:

BOARD OF LICENSING COMMISSIONERS

William Shepard, 377 Stone Church Rd– Request Transfer of Victualling License Cross I'd Cow – New Owner - Subject to Meeting All Legal Requirements

Councilor Bollin motioned to approve, subject to meeting all legal requirements, the transfer of the Victualling License for Cross I'd Cow, to William S. Shepard d/b/a Cross Id Cow. Motion was seconded by Councilor Edwards, which then passed unanimously.

Laughing Goddess, Inc. d/b/a Abigail & Magnolia – Request Approval of Holiday License – Subject to Meeting all Legal Requirements

Councilor Carroll motioned to approve, subject to meeting all legal requirements, a Holiday License for the Laughing Goddess, Inc. d/b/a Abigail & Magnolia, Motion was seconded by Councilor Medeiros, which then passed unanimously.

Ethel Viveiros d/b/a Snooky's Cookies – Request Approval of Victualling License – Subject to Meeting All Legal Requirements

Councilor Edwards made a motion to approve, subject to meeting all legal requirements, a Victualling License to Ethel Viveiros d/b/a Snooky's Cookies. Motion was seconded by Councilor Medeiros, which then passed unanimously.

APPOINTMENTS & RESIGNATIONS

UNFINISHED BUSINESS

FINANCIAL BUSINESS:

Town Treasurer – Request Permission to Engage Temporary Bond Counsel

Town Treasurer Goncalo requested permission to engage a Temporary Bond Counsel until permanent bond counsel can be formally advertised. The Town needs to finalize the bond for Ft. Barton School and needs bond anticipation note to carry through the construction of Pocasset School. Treasurer Goncalo recommended the firm of Partridge, Snow & Hahn, LLP as there was a conflict with the other two proposed bond counsels. President Durfee addressed temporary counsel is needed for the June 1st notes.

A motion was made by Councilor Carroll, seconded by Councilor Medeiros to engage Partridge, Snow & Hahn, LLP as Temporary Bond Counsel, which then passed unanimously.

NEW BUSINESS:

Town Administrator – Update on Sakonnet River Bridge Construction & Maintenance Agreements

Town Administrator presented two Construction and Maintenance Agreements from RIDOT, received by the Sakonnet River Bridge Committee and asked for guidance regarding these matters. State seems to want answers quickly. With regards to the Public Boat Ramp & Dock, Fishing Pier & Parking Area, the State will build but the Town has to maintain. Town doesn't have resources or equipment to put large docks in and out of water. Will cost the Town money with regards to renting equipment to remove and replace docks yearly, parking, monitoring, plowing, sanding, trash pickup, electrical service and lighting. Councilor Bollin suggested additional questions need to be asked before the Town enters an agreement with the State for maintenance. Town Administrator said the State retains ownership of dock. President Durfee stated if Council signed this, would be agreeing to maintaining, etc. President Durfee, Town should push back since the State would own the dock, they should take care of it. Councilor Costa agreed. No vote taken.

Councilor Medeiros – Wind-Power Options

Request Discussion and Council Direction for Options to Utilization of Wind-Power

Councilor Medeiros based on the workshop on June 2nd, wind power could be good for Town if done right. Especially the private model where the Town doesn't have to put a lot of money upfront. At this time exploring options, maybe create a committee or task force. Councilor Edwards questioned whether or not we currently have a committee to review. President Durfee's response was no, but suggested the Town Planner could find out from the State Energy Department what grants are available and other options then report back to the Council at the next meeting as a first step. Council could form a formal committee at that time.

Councilor Medeiros made a motion, seconded by Councilor Edwards for the Town Planner to respond to the Council in writing at the next council meeting regarding feasibility report on wind power options. Motion passed unanimously.

Resolution in Support of Wind-Power Legislation

Councilor Medeiros stated more information was needed to see which resolution benefits the Town, particularly net metering. Councilor Medeiros motioned to continue to the meeting on June 23rd. Motion was seconded by Councilor Arruda and passed unanimously.

Councilor Edwards – RI Resource Recovery Contract

Councilor Edwards stated the RI Resource Recovery expects us to renew their contract beginning June 2009, must sign the agreement by October 31, 2008. Item #7 states the Town will deliver 100% of recycling to them, which is currently being done. Contract states some funds generated will be forwarded, unaware of Town receiving any to date. Other Towns sort and sell their recyclables. Town doesn't benefit from tipping fee State gets the benefit. Before the Landfill Subcommittee goes any further, Councilor Edwards wants a consensus from the Council to pursue. Has contacted Patriot for some kind of economic benefit, maybe keeping recyclables here or possible processing the recyclables here and getting some benefit. President Durfee stated contract does not fit the Town of Tiverton. The agreement says we will send 100% of our solid waste to Johnston, while we have our own landfill. Wording in contract brought by attention of DPW Director Steve Berlucchi. The consensus of the Council was for Councilor Edwards and Landfill Subcommittee to pursue options.

Town Council – Appointment of Town Administrator

Councilors Edwards and Arruda made nominated James Goncalo for Town Administrator, seconded by Councilors Carroll and Costa, subject to ratification of a contract. There were no other nominations. The motion to appoint Mr. Goncalo Town Administrator passed unanimously. Administrator Goncalo thanked the Council and President Durfee stated the appointment was well deserved; the Council appreciates the work done.

Ratification of Contract – Town Administrator

The Contract was still being worked on and was carried over to June 23rd.

BIDS & REQUESTS FOR PROPOSALS

TOWN ADMINISTRATOR ANNOUNCEMENTS, COMMENTS AND QUESTIONS

1. The Tax Collector has agreed to continue working for the Town on an "at will" basis with no contract..
2. Collections at the end of May for 2007 taxes 2.89% uncollected.
3. Real Estate and tangible bills for 2008 will be mailed by the end of the week
4. On Saturday June 7th the Tax Assessor conducted a revaluation seminar, went well will try to have one on weekday night.
5. The guardrail at the end of Hobson and Dewey Avenue was installed last Friday.
6. Next week the Town will repair a culvert at Cottrell Farms on Fish Road that is filled with concrete. It is unknown how or when this occurred.

PUBLIC ANNOUNCEMENTS:

COUNCIL ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Councilor Carroll follow up on a policy Solicitor Teitz was working on with regards to positions that cannot be modified or combined without Council approval. Assistant Solicitor Scott stated Solicitor Teitz currently reviewing.

Councilor Carroll had received phone calls regarding the last Council meeting where the Administrator updated the Council on a pending zoning violation of a business owner. Councilor Carroll cautioned singling out businesses if there is no license violation under the Council discretion. The business has a right to appeal any zoning violation decision..

TOWN SOLICITOR, ANNOUNCEMENTS, COMMENTS AND QUESTIONS:

Town Solicitor Jeanne Scott responded to Councilor Edwards question earlier, the Town Planner, hired by the Administrator is under the purview of the Town Administrator and his job performance should not be discussed at open Planning Board meetings.

CLOSED EXECUTIVE SESSION

Town Solicitor - Litigation – 42-46-5(a)(2)

Town Administrator – Collective Bargaining - 42-46-5(a)(2)

Town Administrator – 42-46-5(a)(5) – Disposition of Town Held Property

Councilor Bollin made a motion to enter into Executive Session pursuant to 42-46-5(a)(2)-Litigation. Councilor Medeiros seconded the motion, which then passed unanimously.

Councilor Bollin made a motion to remain in Executive Session pursuant to 42-46-5(a)(2)-Collective Bargaining. Councilor Medeiros seconded the motion, which then passed unanimously.

Councilor Bollin made a motion to further remain in Executive Session pursuant to 42-46-5(a)(5) – Disposition of Town Held Property. Councilor Medeiros seconded the motion, which then passed unanimously.

The Council entered into Executive Session at approximately 8:00 p.m.

The Council returned to Open Session at approximately 8:40 p.m.

OPEN SESSION:

Council President Durfee announced no action taken in Executive Session.

Councilor Bollin motioned to seal the minutes of Executive Session. Seconded by Councilor Costa, motion passed unanimously.

ADJOURNMENT:

Councilor Carroll motioned to adjourn, seconded by Councilor Costa. Motion passes unanimously. Meeting adjourned at approximately 8:45 p.m.

A True Copy.

ATTEST: _____
Nancy L. Mello, Town Clerk